

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<b>SUE F. BRADLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>3:07- CV-00661-MHT</b>
	)	<b>Removed from the Circuit Court</b>
<b>GUIDANT CORPORATION,</b>	)	<b>of Randolph County.</b>
<b>MICHAEL L. AIKENS, M. D.,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

---

**NOTICE OF FILING OF OPPOSITION TO CONDITIONAL TRANSFER  
ORDER**

---

Now comes the Plaintiff and gives notice that plaintiff has filed the attached Opposition to the conditional transfer order issued by the judicial panel on multi-district litigation. The plaintiff expects to file a timely Motion to Vacate the conditional transfer order.

/S/ James S. Hubbard  
Attorney for Plaintiffs

/S/ Thomas J. Knight  
Attorney for Plaintiffs

HUBBARD & KNIGHT  
1125 Noble Street  
Anniston, Alabama 36202  
(256) 237-9586

Certificate of Service

I hereby certify that on August 23, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/EMF system which will send notification of such filing to the following:

Fred M. Haston, III (HAS012)  
Andrew B. Johnson (JOH168)  
Bradley Arant Rose & White LLP  
1819 Fifth Ave. North  
Birmingham, Alabama 35203  
(205) 521-8000  
(205) 521-8810 (fax)

/S/ Thomas J. Knight  
Attorney for Plaintiffs

**UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE GUIDANT CORP.**  
**IMPLANTABLE DEFIBRILLATORS**  
**PRODUCTS LIABILITY LITIGATION**

**MDL No. 1708**  
**CTO 40**

**SUE F. BRADLEY,**

**Plaintiff**

**vs.**

**GUIDANT CORP. et al,**

**Defendants**

**RE MIDDLE DISTRICT**  
**OF ALABAMA**  
**CASE NO. ALM3 07-661**

**NOTICE OF OPPOSITION TO CONDITIONAL TRANSFER ORDER**

NOW COMES the Plaintiff, Sue Bradley, and files and serves her Notice of Opposition to the Conditional Transfer Order filed in regard to her case, and show the Panel as follow:

1. Plaintiff Sue Bradley gives notice that she opposes the conditional transfer order and opposes the transfer of her civil action to the MDL transferee court.
2. The Plaintiff Sue Bradley shows that this case was wrongfully removed from a state court in Alabama to the United States District court which has no jurisdiction of the claim at all. Her Motion to Remand will be deemed submitted on August 27, 2007. A copy of that order is attached. This is not a case where there is any question at all about federal jurisdiction; instead, there is no question but that there is a complete absence of federal jurisdiction.
3. It would be a substantial, and inappropriate burden in time and expense to have this case sent off to the MDL transferee court, when there is no federal jurisdiction

of the case at all. There is no realistic basis on which the removal could stand, and instead, remand to the state court is inevitable and mandatory.

4. It would be an unfair burden on the Plaintiff, on the transferee court, and even on the Defendant (which however seems willing to bear that burden in order to obtain a long delay) to have this case transferred pursuant to the Conditional Transfer Order. As a result, the Plaintiff Sue Bradley objects to such transfer, and requests that the Panel not transfer this case and instead deny the transfer of this case which denial will permit it to be remanded by the local United States District Court where a motion to remand is pending and a ruling remanding this case to the state court is expected at any time.

/s/Thomas J. Knight

Thomas J. Knight, designated attorney for  
the Plaintiff Sue F. Bradley

HUBBARD & KNIGHT  
Attorneys at Law  
1125 Noble Street  
P.O. Drawer 1850  
Anniston, Alabama 36201  
Telephone (256) 237-9586  
Facsimile (256) 237-9594

/s/James S. Hubbard

James S. Hubbard,  
additional attorney for Plaintiff  
Sue F. Bradley

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day served a copy of the above Notice of Objection to Conditional Transfer Order on all counsel and parties pro se, as shown on the official service list maintained by the Panel on this the \_\_22nd\_\_ day of August 2007.

/s/Thomas J. Knight

Thomas J. Knight  
Attorney for Plaintiff